



Temporary Seal

OFFICIAL AGENDA

Wednesday, November 19, 2003

7:00 PM

City Administrative Offices

**City Council
City of Miami Gardens**

**17801 NW 2nd Avenue, Suite 201
Miami Gardens, Florida**



CITY OF MIAMI GARDENS CITY COUNCIL MEETING AGENDA

City of Miami Gardens Administrative Offices
17801 N.W. 2nd Avenue, Suite 201
Miami Gardens, FL 33169
Wednesday, November 19, 2003
7:00 p.m.

Mayor Shirley Gibson
Vice Mayor Aaron Campbell
Councilman Melvin L. Bratton
Councilman Oscar Braynon, II
Councilwoman Audrey J. King
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson

1. CALL TO ORDER/ROLL CALL OF MEMBERS

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

4A) APPROVE MINUTES OF CITY COUNCIL MEETING OF
NOVEMBER 5, 2003

**5. AGENDA/ORDER OF BUSINESS (ADDITIONS/DELETIONS/
AMENDMENTS):**

6. SPECIAL PRESENTATIONS:

6A) NONE

7. ORDINANCES FOR FIRST READING:

- 7A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO LOBBYING, CREATING CHAPTER ____ OF THE CODE OF ORDINANCES OF THE CITY OF MIAMI GARDENS, ENTITLED "LOBBYIST REGISTRATION"; PROVIDING DEFINITIONS AND EXCLUSIONS; PROVIDING FOR REGISTRATION OF LOBBYISTS, DISCLOSURE OF MEETINGS WITH CITY PERSONNEL AND REPORTS ON EXPENDITURES; REQUIRING DISCLOSURE OF COMPENSATION OF LOBBYISTS AND PROHIBITING CONTINGENCY FEES; CREATING PENALTIES FOR VIOLATIONS AND DEBARMENT; PROVIDING FOR APPEALS TO SPECIAL MASTER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.
(SPONSORED BY COUNCIL MEMBER WATSON)

8. PUBLIC COMMENTS – 10 MINUTES

9 ORDINANCES FOR SECOND READING (PUBLIC HEARINGS):

- 9A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO PUBLIC RECORDS; ESTABLISHING A RECORDS RETENTION COMMITTEE; PROVIDING FOR PHOTOGRAPHING AND DESTRUCTION OF PUBLIC RECORDS; PROVIDING FOR MICROFILMING, PROVIDING FOR MANNER OF DESTROYING RECORDS; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY CITY CLERK)

- 9B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO CITY RECORDS; ADOPTING THE STATE OF FLORIDA GENERAL RECORDS SCHEDULE FOR STATE AND LOCAL GOVERNMENT AGENCIES (SCHEDULES GSI-1, GS2 AND GS3); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY CITY CLERK)
- 9C) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO REQUIRING AND COLLECTING PERMIT FEES FROM PROVIDERS OF COMMUNICATION SERVICES AND INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES; PROVIDING FOR ELECTION TO INCREASE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR THE RE-ADOPTION OF EMERGENCY ORDINANCE NO. 2003-03; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY CITY ATTORNEY)

10. RESOLUTIONS:

10A) NONE

11. REPORTS OF INTERIM CITY MANAGER

11A) CLARIFICATION OF ISSUE REGARDING TEMPORARY OFFICE SPACE

11B) TRANSITION STATUS REPORT

12. REPORTS OF CITY CLERK

12A) OVERVIEW OF CITY CLERK RESPONSIBILITIES

13. REPORTS OF MAYOR AND COUNCIL MEMBERS

13A) GENERAL REPORTS FROM MAYOR AND COUNCIL MEMBERS

14. REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC:

14A) PRESENTATIONS REGARDING ADMINISTRATIVE OFFICE SPACE RENTAL

1) GOLDEN GLADES, LLC

2) G. D. ROSS PROPERTIES

14B) PUBLIC COMMENTS – 10 MINUTES

15. ADJOURNMENT:

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT WILLIAM GREEN (305) 653-3944, NOT LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDING.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT WILLIAM GREEN (305) 653-3944.

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Please turn-off all beepers and cellular telephones to avoid interrupting the council meeting.

Memorandum

To: Honorable Mayor and
City Council

From: The Honorable Barbara Watson
Councilmember

Date: November 14, 2003

Re: Lobbyist ordinance

The City of Miami Gardens lobbyist registration ordinance requires all lobbying to register with the city clerk prior to engaging in lobbying activities. City officials are required to diligently enforce the registration requirement.

All members of the City council, and all City personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. City council members or City personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the City council members, or committee, board or City personnel.

While it is important to carefully read the ordinance, this memorandum provides concise, but not exhaustive, guidance for determining who is a lobbyist. "Lobbying" is communication with City personnel directed to influencing the outcome of any matter that is, or foreseeably will come, before the City government for action. A "lobbyist" is someone who seeks to influence the action, and who is:

- • A principal
- • An employee of the principal whose employment includes lobbying
- • Anyone else engaged or retained to influence the outcome of a subject

Excluded from registering as "lobbyist" are:

- • Attorneys and other persons only to the extent they participate in public, quasi-judicial hearings
- • Expert witnesses who testify at public meetings
- • Persons who make presentations to a selection committee
- • Uncompensated representatives of neighborhood associations

- • An employee of a principal whose employment does not include lobbying
- • A principal of a local business [but the principal must sign in with the clerk every time he or she meets with City personnel]
- • A public officer, employee or appointee who appears in his or her official capacity
- • Any person who appears in his or her individual capacity [but not if the person is also a principal or lobbyist for a principal]
- • A lobbyist hired by the City

WHEREAS, the adoption of a lobbyist ordinance is in the best interests of the City of Miami Gardens.

- (2) expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings;
- (3) any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support of or opposition to any item;
- (4) employees of a principal whose normal scope of employment does not include lobbying activities;
- (5) any public officer, employee or appointee who only appears in his or her official capacity;
- (6) any person who only appears in his or her individual capacity for the purpose of self-representation;
- (7) any principal of a local business who appears without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item; provided, however, the principal shall sign-in with the City clerk each time he or she meets with City personnel, as provided below.

(b) No person or firm who directly or through a member of the person's immediate family, or through a political action committee, or through any other person makes a contribution to a candidate who is elected mayor, vice mayor or council member, shall be permitted to lobby on behalf of another any elected official, employee

1 (c) All lobbyists shall register with the City
2 clerk within five business days of being retained
3 as a lobbyist, or before engaging in any lobbying
4 activities, whichever shall come first. Every
5 person required to register shall:
6

7 (1) (1) Register on forms prepared by the
8 City clerk;
9

10 (2) (2) State under oath his or her name,
11 business address and the name and
12 business address of each person or
13 entity which has employed the
14 registrant to lobby. If the lobbyist
15 represents a corporation, it shall also
16 be identified. Without limiting the
17 foregoing, the lobbyist shall also
18 identify all persons holding, directly
19 or indirectly, a five percent or more
20 ownership interest in the corporation,
21 partnership, or trust.
22

23 (3) (3) Annual registration of all
24 lobbyists shall be required by October
25 1st of each year and each person who
26 withdraws as a lobbyist for a
27 particular client shall file an
28 appropriate notice of withdrawal. The
29 fee for the initial and annual
30 registration shall be \$250.00. The
31 registration fees required by this
32 section shall be deposited by the City
33 clerk into a separate account and shall
34 be expended for the purpose of
35 recording, transcribing, administration
36 and other costs incurred in maintaining
37 these records for availability to the
38 public. Unexpended funds may be
39 transferred to general revenue at the
40 end of the fiscal year. There shall be
41 no fee required for filing a notice of
42 withdrawal and the City council may, in
43 its discretion, waive the registration
44 fee upon a finding of financial
45 hardship.
46

1 (4) (4) At the times of initial
2 registration and annually thereafter on
3 the first business day following
4 January 1st, each lobbyist and principal
5 shall file with the City clerk a
6 statement under oath listing all
7 fundraising or campaign contributions
8 made directly or indirectly by the
9 lobbyist, or principal, or through a
10 member of their immediate family, or
11 through a political action committee,
12 or through any other person for the
13 benefit of a person who is elected to
14 the office of mayor, vice mayor or
15 council member.
16

17 (d) Prior to conducting any lobbying, all
18 principals must file a form with the City clerk,
19 signed by the principal or the principal's
20 representative, stating that the lobbyist is
21 authorized to represent the principal. Failure of
22 a principal to file the authorization required by
23 the preceding sentence may be considered in the
24 evaluation of a bid or proposal as evidence that
25 a proposer or bidder is not a responsible
26 contractor. Each principal shall file a form with
27 the City clerk at the point in time at which a
28 lobbyist is no longer authorized to represent the
29 principal.
30

31 (e) Every lobbyist and principal of a local
32 business shall sign-in with the City clerk each
33 time he or she meets with City personnel at a
34 City facility, or shall deliver a memorandum of
35 meeting to the City clerk within 24 hours of
36 meeting with City personnel at any other
37 location, and shall inform the City clerk, in
38 writing, of the: (1) name of the lobbyist or the
39 principal of the local business; (2) the City
40 personnel in attendance; (3) the time and place
41 of the meeting; and (4) the issue to be
42 discussed. The issue shall be described with as

(f) The City clerk shall publish to the City council, City board or committee, City manager and other City personnel a list of registered lobbyists and their principals, and the issues they are authorized to lobby, and any other disclosure made to the City clerk that is required pursuant to state and county law. The information shall be disseminated by the clerk prior to City council, board and committee meetings and public hearings.

(g) On the first business day following January 1st of each year, all lobbyists shall disclose the terms and amount of compensation paid by each principal to the lobbyist for services rendered regarding City business. The principal shall also disclose the terms and amount of compensation paid to every lobbyist retained or employed by the principal. The disclosure shall be made on a form provided by the City clerk. No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to a lobbyist. No lobbyist may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or non-monetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the City council; (2) any action, decision or recommendation of the City manager or any City board or committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the City council, or a City board or committee.

(h) Any person who appears as a representative for an individual or firm for an oral presentation before a City certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the City all individuals who may make a presentation. The affidavit shall be filed by staff with the City clerk's office at the time the proposal is

submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the City clerk's office and has paid all applicable fees.

(i) On the first business day following January 1st of each year, all lobbyists shall submit to the City clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events, and City personnel on whose behalf or benefit the expenditure was made. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the City clerk.

(2) The City clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of \$50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by the first business day following January 1st shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the special master for the City of Miami Gardens.

(3) A lobbyist or principal may appeal a fine and may request a hearing before the special master for the City of Miami Gardens. A request for a hearing on the fine must be filed with the special master within 15 calendar days of receipt of the

1 notification of the failure to file the
2 required disclosure form. The special master
3 shall have the authority to waive the fine,
4 in whole or part, based on good cause shown.
5 The special master shall have the authority
6 to adopt rules of procedure regarding
7 appeals.
8

9 (j) The City clerk shall publish logs on a
10 quarterly and an annual basis reflecting the
11 lobbyist registrations, which have been filed in
12 accordance with this chapter. All logs required
13 by this ordinance shall be prepared in a manner
14 substantially similar to the logs prepared for
15 the Florida Legislature pursuant to section
16 11.045, Florida Statutes.
17

18 (k) In the event that a violation is found to
19 have been committed, the person shall be
20 prohibited from lobbying before the City council
21 or any committee, board or personnel of the City
22 on the subject that resulted in a finding of a
23 violation, and be subject to the penalties set
24 forth in this chapter. Additionally, every
25 lobbyist who is found to be in violation of this
26 chapter shall be prohibited from registering as a
27 lobbyist or lobbying in accordance with the
28 following schedule:
29

- 30 • First violation for a period of one year
31 from the date of determination of violation;
- 32 • Second violation for a period of two years
33 from the date of determination of violation;
- 34 • Third violation for a period of three years
35 from the date of determination of violation.
36

37 A bidder or proposer shall be subject to
38 debarment as if the bidder or proposer were a
39 contractor where the bidder or proposer has
40 violated this section, either directly or
41 indirectly or any combination thereof, on three
42 or more occasions. As used herein, a "direct
43 violation" shall mean a violation committed by
44 the bidder or proposer and an "indirect
45 violation" shall mean a violation committed by a
46 lobbyist representing the bidder or proposer.
47

(l) A contract entered into in violation of this section shall also render the contract voidable. The City manager shall include the provisions of this section in all City bid documents, RFP, RFQ, and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal *per se*.

(m) All members of the City council, and all City personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. City council members or City personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the City council members, or committee, board or City personnel.

(n) The definitions provided by Miami-Dade County code section 2-11.1(b) shall apply to this section.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 3. This ordinance shall be codified and included in the Code of Ordinances.

Section 4. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. This ordinance shall take effect ten (10) days after adoption on second reading.

PASSED on first reading the ____ day of _____,
2003

PASSED on second reading the ____ day of _____,
2003

Shirley Gibson, Mayor

1
2 Attest:
3
4
5

6 _____
7 Ronetta Taylor, CMC
8 City Clerk
9

10 **APPROVED AS TO FORM AND**
11 **LEGAL SUFFICIENCY:**
12

13 _____
14 Hans Ottinot, Interim City Attorney
15

16 Motion on second reading by: _____
17 Second on second reading by: _____
18
19

20 **VOTE:**
21

22 Mayor Shirley Gibson	_____ (Yes)	_____ (No)
23 Vice Mayor Aaron Campbell, Jr.	_____ (Yes)	_____ (No)
24 Councilman Melvin L. Bratton	_____ (Yes)	_____ (No)
25 Councilman Oscar Braynon, II	_____ (Yes)	_____ (No)
26 Councilwoman Audrey King	_____ (Yes)	_____ (No)
27 Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No)
28 Councilwoman Barbara Watson	_____ (Yes)	_____ (No)

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ORDINANCE NO. 2003-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO PUBLIC RECORDS; ESTABLISHING A RECORDS RETENTION COMMITTEE; PROVIDING FOR PHOTOGRAPHING AND DESTRUCTION OF PUBLIC RECORDS; PROVIDING FOR MICROFILMING, PROVIDING FOR MANNER OF DESTROYING RECORDS; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 119, Florida Statutes, requires governments to retain public records and to dispose of public records as provided by law; and

WHEREAS, the Mayor and City Council desire to establish a Public Records – Retention and Disposition Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA:

Section 1. Photographing and destruction of public records. The City Clerk is hereby designated as the manager of the records of the City of Miami Gardens, Florida, and shall have the authority, with the concurrence of the Records Retention Committee, to promulgate suitable guidelines and rules for the orderly management, scheduling, destruction and microfilming of public records. Such guidelines and rules shall comply with rules and regulations established by the Division of Archives, History and Records Management of the Department of State of the state of Florida, and with the provisions of Chapter 119, Florida Statutes. Before the Clerk shall order any public records destroyed by a department head or other official, such destruction also shall be approved by the Records Retention Committee.

Section 2. Records Retention Committee. There is hereby created a Records Retention Committee consisting of the City Clerk, the chief financial officer, the city attorney and the Mayor, or respective designee. The Records Retention Committee shall make and promulgate suitable rules, within the limitations governing the management, scheduling, destruction and microfilming of public records of the City. Nothing herein contained however, shall relieve the Records Retention Committee of the duty of investigating and approving the destruction of each individual series of records when it is proposed that such series of records be destroyed.

Section 3. Manner of microfilming records. Microfilming of records shall be accomplished by the methods or system best calculated to perpetuate records on film and in accordance with microfilm specifications as established by the Division of Archives, History and Records Management of the Florida Department of State.

Section 4. Manner of Destroying Records. Destruction of records shall be accomplished by shredding, maceration, incineration or other method approved by the Division of Archives, History and Records Management of the Florida Department of State. Upon the destruction of any city records, as herein provided, the person destroying and the person witnessing the destruction of the same forthwith shall make and file with the city clerk a certificate describing the records destroyed and certifying the date and manner of destruction as provided on Form DS-RM 107, Notice of Intent to Destroy Scheduled Records.

Section 5. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 7. Codification. This ordinance shall be codified and included in the City of Miami Gardens Code of Ordinances.

Section 8. Effective Date. This ordinance shall take effect ten (10) days after adoption on second reading.

PASSED on first reading the ____ day of _____, 2003.

PASSED AND ADOPTED on second reading the ____ day of _____, 2003

Shirley Gibson, Mayor

Attest:

Ronetta Taylor, CMC
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Hans Ottinot, Interim City Attorney

MOVED BY: _____

SECONDED BY: _____

VOTE:

Mayor Shirley Gibson	____(Yes)	____(No)
Vice Mayor Aaron Campbell	____(Yes)	____(No)
Councilman Melvin L. Bratton	____(Yes)	____(No)
Councilman Oscar Braynon, II	____(Yes)	____(No)
Councilwoman Audrey King	____(Yes)	____(No)
Councilwoman Sharon Pritchett	____(Yes)	____(No)
Councilwoman Barbara Watson	____(Yes)	____(No)

ORDINANCE NO. 2003-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO CITY RECORDS; ADOPTING THE STATE OF FLORIDA GENERAL RECORDS SCHEDULE FOR STATE AND LOCAL GOVERNMENT AGENCIES (SCHEDULES GSI-1, GS2 AND GS3); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 119, Florida Statutes, requires governments to retain public records and to dispose of public records as provided by law; and

WHEREAS, Chapter 257, Florida Statutes, established the State's Records Management and Archives Program under the direction of the Division of Library and Information Services, Department of State; it specifically provides for a system for the scheduling and disposal of public records; and

WHEREAS, the Mayor and City Council desire to adopt the State of Florida General Records Schedule for State and Local Government Agencies (Schedules GS1, GS2 and GS3).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA:

Section 1. Adoption of Schedules. That the State of Florida General Records Schedule for State and Local Government Agencies (Schedules GS1-1, GS2 and GS3) is hereby adopted. The retention and destruction of public records are to be controlled and governed by that "Record Retention Schedule," a copy of which is on file in the City Clerk's Office.

Section 2. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 4. Codification. This ordinance shall be codified and included in the City of Miami Gardens Code of Ordinances.

Section 5. Effective Date. This ordinance shall take effect ten (10) days after adoption on second reading.

PASSED on first reading the ____ day of _____, 2003.

PASSED AND ADOPTED on second reading the _____ day of _____, 2003

Shirley Gibson, Mayor

Attest:

Ronetta Taylor, CMC
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Hans Ottinot, Interim City Attorney

MOVED BY: _____

SECONDED BY: _____

VOTE:

Mayor Shirley Gibson	____ (Yes)	____ (No)
Vice Mayor Aaron Campbell	____ (Yes)	____ (No)
Councilman Melvin L. Bratton	____ (Yes)	____ (No)
Councilman Oscar Braynon, II	____ (Yes)	____ (No)
Councilwoman Audrey King	____ (Yes)	____ (No)
Councilwoman Sharon Pritchett	____ (Yes)	____ (No)
Councilwoman Barbara Watson	____ (Yes)	____ (No)


City of Miami Gardens

17801 NW 2nd Avenue, Suite 201
Miami Gardens, Florida 33169

Mayor Shirley Gibson
Vice Mayor Aaron Campbell
Councilman Melvin L. Bratton
Councilman Oscar Braynon II
Councilwoman Audrey King
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson

MEMORANDUM

To: The Honorable Mayor and City Council

From: Hans Ottinot, Interim City Attorney 

Date: November 5, 2003

Re: Re-adopting Emergency Ordinance Relating to Permit Fees

Recommendation:

It is recommended that the City Council adopt the attached Ordinance.

Reasons:

The attached Ordinance re-adopts the emergency ordinance relating to the election not to collect the permit fees.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO REQUIRING AND COLLECTING PERMIT FEES FROM PROVIDERS OF COMMUNICATION SERVICES AND INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES; PROVIDING FOR ELECTION TO INCREASE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR THE RE-ADOPTION OF EMERGENCY ORDINANCE NO. 2003-03; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 337.401 (3)(c) 1., Florida Statutes (2000), requires each municipality to make an election regarding the payment of permit fees by providers of communications services and further requires each municipality to inform the Department of Revenue of the election by a certain date; and

WHEREAS, a municipality may require and collect permit fees from any providers of communications services that use or occupy municipal roads or right-of-ways for the provision of communications services. However, to ensure competitive neutrality among providers of communication services, a municipality that elects to exercise its authority to require an collect permit fees will have an automatic reduction in the rate of the local communications services tax for the municipality, as computed under section 202.20(1) and (2), Florida Statutes (2000), as amended, by a rate of 0.12%; and

WHEREAS, it is the intent of the City to exercise its authority to adjust its new local Communications Services Tax upward by 0.12% in lieu of requiring and collecting permit fees from any providers of communications services; and

WHEREAS, whatever election the municipality makes, such election shall take effect in accordance with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. Intent. It is the intent of the City Council of the City of Miami Gardens to make an election under section 337.401 (3) (c) 1., Florida Statutes (2000), as amended, regarding the City of Miami Gardens decision on whether to require and collect permit fees from any providers of communications services that use or occupy municipal roads or right-of- ways for the provision of communication services.

Section 2. Election Not to Require and Collect Permit Fees. The City of Miami Gardens elects not to require and collect permit fees from any provider of communications that uses or occupies municipal roads or right-of-ways for the provision of communication services as provided in section 337.401 (3) (c) 1.

Section 3. Election to Increase Local Communications Services Tax. Pursuant to section 337.401 (3) (c) 1., Florida Statutes (2000), as amended, the City of Miami Gardens elects to increase its total rate for the local communications services tax as computed under section 202.20 (1) and (2) , Florida Statutes (2000), as amended, by an amount of 0.12%, and this election shall take effect in accordance with state law.

Section 4. Notice to the Department of Revenue. The City of Miami Gardens direct that notice of the above election be provided to the Department of Revenue. By virtue of the enactment of this ordinance, the City hereby notifies the Department of Revenue of its election to require an adjustment of the Local Communications Services Tax in lieu of collecting fees.

Section 5. Declaration. The City hereby declares that this adjustment shall remain in effect until and unless otherwise expressly repealed by the City, irrespective of whether the City, in its discretion, maintains a Local communications Services Tax rate under section 202.20 (1) (a) and (1) (b) or section 202.19 (2) (a), Florida Statutes (2001).

Section 6. Reaffirming Emergency Ordinance. By virtue of the enactment of this ordinance, the City of Miami Gardens reaffirms its intention not to collect permit fees as set forth in Emergency Ordinance No. 2003-03 ~~is hereby re-adopted.~~

Section 7. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrased of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 8. Effective Date. This ordinance shall be effective ten (10) days after adoption on second reading.

PASSED on first reading the ____ day of _____, 2003

PASSED AND ADOPTED on second reading this ____ day of _____, 2003.

ATTEST:

Ronetta Taylor, CMC
City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Hans Ottinot, Interim City Attorney

Motion on second reading by: _____

Second on second reading by: _____

VOTE:

Mayor Shirley Gibson	_____ (Yes)	_____ (No)
Vice Mayor Aaron Campbell	_____ (Yes)	_____ (No)
Councilman Melvin L. Bratton	_____ (Yes)	_____ (No)
Councilman Oscar Braynon II	_____ (Yes)	_____ (No)
Councilwoman Audrey King	_____ (Yes)	_____ (No)
Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No)
Councilwoman Barbara Watson	_____ (Yes)	_____ (No)

TO: The Honorable Mayor and Members of the City Council

FROM: Cynthia W. Curry
Interim City Manager



DATE: November 19, 2003

SUBJECT: Clarification of Issue Re: Temporary Office Space

At the City Council meeting of November 5th, Council Member Sharon Pritchett raised the question regarding the lease or agreement for the space that is currently occupied by the City of Miami Gardens for temporary offices (17801 NW 2nd Ave). Due to the questions regarding this item, the following is provided in response to Council Member Pritchett's inquiry.

I stated at the November 5th meeting that the City Council had not approved a lease or letter of agreement for the above referenced space. This statement was accurate. Please see the attached letter of agreement dated July 27, 2003 executed by Mayor Shirley Gibson and Gerald D. Ross of Ross Properties for donated space which was not subsequently approved by the City Council as Resolution No. 2003-07, adopted July 24, 2003, clearly indicated should occur.

In addition to reviewing the files, I also asked staff to listen to the tape from the July 24th City Council meeting regarding the discussion on the issue of temporary space. During the discussion, it was stated clearly by Mayor Gibson that any lease/agreement for temporary space would come back to the Council for approval.

I am also attaching the following items:

- Resolution No. 2003-07 (includes initial offer letter from Ross Properties, dated 7/22/03)
- Memorandum from Hans Ottinot regarding donation of temporary office space
- Letter of Agreement executed by Mayor Gibson and Gerald Ross for donated space
- Minutes from City Council meeting of July 24, 2003 (Resolution #6)

Attachments

City of Miami Gardens

MEMORANDUM

To: The Honorable Council Members

From: Mayor Shirley Gibson

Date: July 24, 2003

Re: **TEMPORARY OFFICE SPACE**

07

RECOMMENDATION:

It is recommended that the City Council approve the attached Resolution.

REASONS:

At this time the City does not have a temporary office space. To operate effectively, we will need to acquire temporary office space immediately. I am requesting the permission of the Council to solicit proposals and to negotiate a lease agreement for temporary office space. If negotiations are successful, I will present a proposed lease agreement to the Council in the near future.

RESOLUTION NO. 2003-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND/OR HIS/HER DESIGNEE, AND THE INTERIM CITY ATTORNEY TO SOLICIT PROPOSALS FOR TEMPORARY OFFICE SPACE AND TO NEGOTIATE A LEASE AGREEMENT FOR TEMPORARY OFFICE PROVIDED THAT THE LEASE AGREEMENT IS APPROVED BY THE CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Miami Gardens believes that it is necessary for the City to obtain office space on an expedite basis to conduct municipal operation on a temporary basis, pending securing a long-term location for the City's municipal offices; and

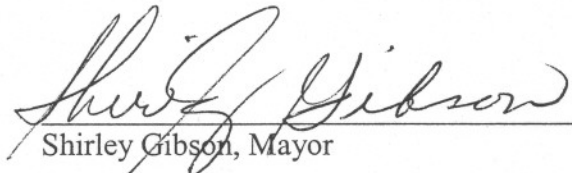
WHEREAS, the City Council finds that it is necessary to provide the Mayor and/or His/Her designee with the authority to negotiate a lease agreement for temporary office space;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. Authority of Mayor. The Mayor and/or His/Her designee is hereby authorized to negotiate and finalize the terms and conditions for a lease agreement for a temporary space provided that the lease agreement is approved by the City Council. The Mayor is also authorized to do all things necessary to effectuate this Resolution.


Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED and ADOPTED this 24 day of July, 2003.



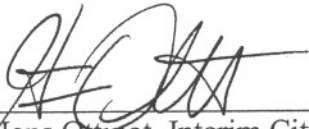
Shirley Gibson, Mayor

ATTEST:



Meighan Pier, Acting City Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



Hans Ottinot, Interim City Attorney

Moved by: Council Member Pritchett

Seconded by: Council Member King

VOTE:

Mayor Gibson	<u>X</u>	(Yes)	<u> </u>	(No)
Council Member Campbell	<u>X</u>	(Yes)	<u> </u>	(No)
Council Member Pritchett	<u>X</u>	(Yes)	<u> </u>	(No)
<u>Council Member Watson</u>	<u>X</u>	(Yes)	<u> </u>	(No)
<u>Council Member Bratton</u>	<u>X</u>	(Yes)	<u> </u>	(No)
<u>Council Member King</u>	<u>X</u>	(Yes)	<u> </u>	(No)
<u>Council Member Braynon</u>	<u>X</u>	(Yes)	<u> </u>	(No)



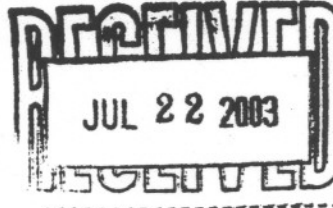
Ross Properties

FLORIDA MICHIGAN

17801 NW 2nd Ave. Miami, FL 33169 • Phone 305-652-0605 • Fax 305-652-4005

7/22/03

Mayor Gibson
City of Miami Gardens
111 NW First St. Suite 220
Miami, FL 33128



RE: 17801 NW 2nd Ave Miami, FL

Dear Mayor Gibson:

In an effort to obtain a long term lease with the new city of Miami Gardens, Ross Properties is willing to provide the following at no cost to the City for a period of 2 months.

- 1) Free office space at the above address consisting of approximately 7600 sq ft including common areas. Space consists of approximately 7 private office and large open area.
- 2) Parking in common
- 3) Utilities
- 4) Maintenance of the space i.e. lights, air conditioning
- 5) Occupancy permit
- 6) Common restrooms
- 7) Access: 8:00 AM to 7:00 PM Monday-Sat. (additional access can be arranged if necessary)

The City shall provide for the following:

- 1) phones
- 2) janitorial service
- 3) Liability insurance naming Ross Properties as additional insured.
- 4) All other items required for the Cities intended use.

Please consider the above and contact me with any questions you may have.

Sincerely,

David Ross

City of Miami Gardens

MEMORANDUM

To: Mayor Shirley Gibson
Cynthia Curry
William Green

From: Hans Ottinot, Interim City Attorney *HO*

Date: July 28, 2003

Re: Donation of Temporary Office Space by Ross Properties

Please find attached the letter of understanding between the City and Ross Properties regarding the temporary office space. The letter essentially states that Ross Properties would donate to the City temporary office space for a period of four (4) months without charge. Please note that we were able to negotiate an additional two (2) months from Ross Properties. The letter does not preclude the City from considering other proposals for temporary office space.

HO:jb

Attachment

Cc: Vice Mayor Aaron Campbell
Council Member Melvin Bratton
Council Member Oscar Braynon II
Council Member Audrey King
Council Member Sharon Pritchett
Council Member Barbara Watson

Donation of Temporary Office Space

G.D. ROSS PROPERTIES

2nd FAX w/changes for the
ADDRESS

FACSIMILE TRANSMITTAL SHEET

TO: HANS OTTINOT. FROM: Frank Owen *[Signature]*
COMPANY: City of Miami Gardens DATE: 7-28-03
FAX NUMBER: 305 949 3113 TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: SENDER'S REFERENCE NUMBER:
RE: YOUR REFERENCE NUMBER:
Attached lease.

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

July 27, 2003

Mayor Shirley Gibson
City of Miami Gardens
18441 N.W. 2nd Avenue, Ste. 320
Miami Gardens, Florida 33169

Re: Donation of Temporary Office Space for the City of Miami Gardens

Dear Mayor Gibson:

The purpose of this letter is to outline the terms and conditions that we have agreed upon for the use of the above-referenced property by the City of Miami Gardens ("City"). As indicated below, I am willing to assist in the start-up of the City. I hope that you and the members of the Council will accept my offer to assist.

1. G.D. Ross Properties ("Ross Properties") have agreed to donate temporary office space to the City of Miami Gardens for governmental purposes. More specifically, Ross Properties have agreed to provide the City with a portion of the second floor in a building located at 17801 ~~N.E.~~^{NW} 2nd Avenue, Miami Gardens, Florida 33169.
2. The City shall not be required to pay rent for the use of the office space. The City shall have the use of the office space for a period of four (4) months commencing on the date the terms and conditions of this letter are accepted by the City.
3. The City agrees to use the premises for governmental purposes. The City also agrees to abide by all rules and regulations promulgated by Ross Properties regarding the use of the office space. The City shall be responsible for janitorial service for the donated office space.
4. Ross Properties shall be responsible for obtaining all necessary permits to ensure that City will be able to use the property for the use contemplated in this agreement.
5. Ross Properties have agreed to furnish and pay all utilities, with the exception of telephone services, during the time period contemplated for the use of the donated office space. The City shall use its best efforts to turn off lights when not in the space and to adjust the AC to a higher temperature setting when no one is in the space. The City agrees to use good faith efforts to minimize electric consumption when the premises are not occupied.
6. The City shall indemnify and hold harmless Ross Properties from any and all claims, liability, losses, and causes of action which may arise out of the actions of the City, its employees, agents, officers, and assigns, arising out of the use of the property in question to the extent permitted by Section 768.28, Florida Statutes. The City, through its

insurance carrier, shall pay all claims and losses that are directly related to its use of the property.

7. Ross Properties shall indemnify and hold harmless the City from any and all claims, liability, losses and causes of action which may arise out of actions of Ross Properties, its officers, employees, and agents in providing the office spaces to the City.
8. The parties contemplate that they may have a desire to enter into a long-term lease agreement for the use of the building located at 17801 ^{new} N.E. 2nd Avenue for governmental purposes. The parties agree to use their best efforts to facilitate a long-term lease for the use of the aforementioned property for governmental purposes.

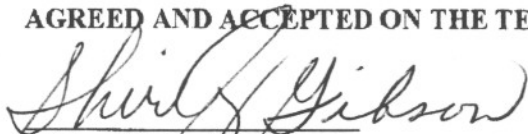
Yours truly,

~~David Ross~~ Gerald D. Ross



728 -03

AGREED AND ACCEPTED ON THE TERMS SET FORTH ABOVE:



Shirley Gibson, Mayor

CITY OF MIAMI GARDENS
MINUTES OF THE THURSDAY, JULY 24, 2003
MEETING OF THE VILLAGE COUNCIL
Miami Norland Senior High School
1050 N.W. 195 Street
Miami Gardens, FL 33169

I. CALL TO ORDER; ROLL CALL

Mayor Gibson called the meeting to order at 7:10 p.m. The following members of the City Council were present:

Mayor Shirley Gibson
Council Member Aaron Campbell, Jr.
Council Member Barbara Watson
Council Member Audrey J. King
Council Member Melvin L. Bratton
Council Member Sharon Pritchett
Council Member Oscar Braynon, II

The following staff members were present:
Interim City Attorney Hans Ottinot
Acting City Clerk Meighan Pier
Transitional Coordinator William J. ~~King~~ Green

II. INVOCATION

Council Member Audrey King offered the invocation.

III. PLEDGE OF ALLEGIANCE

A student led the audience in the pledge of allegiance.

IV. NOMINATION OF VICE MAYOR BY MAYOR; ELECTION OF VICE MAYOR

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DECLARING _____ AS VICE MAYOR FOR A PERIOD OF TWO YEARS; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gibson nominated Council Member Campbell for the position of Vice Mayor.

Council Members Pritchett and Braynon asked for clarification.

Following discussion, the matter was put to vote. The vote was as follows: Mayor Shirley Gibson: Aye; Council Member Aaron Campbell, Jr.: Aye; Council Member Barbara Watson: Aye; Council Member Audrey J. King: Aye; Council Member Melvin

L. Bratton: Aye; Council Member Sharon Pritchett: Abstained; Council Member Oscar Braynon, II: Abstained.

Resolution 2003-01 was adopted. Arron Campbell, Jr. was appointed Vice Mayor.

V. BRIEF DISCUSSION OF THE SUNSHINE LAWS BY HANS OTTINOT, ESQ.

Attorney Ottinot provided a brief explanation of Florida's Sunshine Law.

VI. LEGISLATION

A. ORDINANCES (none)

B. RESOLUTIONS:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, PROVIDING FOR THE ADOPTION OF ROBERT'S RULES OF ORDER AS THE TEMPORARY STANDARD OF PARLIAMENTARY PROCEDURE TO GOVERN CITY COUNCIL PROCEEDINGS; PROVIDING FOR AN EFFECTIVE DATE.

A Motion to adopt the proposed Resolution was made by Councilwoman Pritchett. Seconded by Councilwoman King.

Following brief discussion, the Motion passed unanimously (7-0). Resolution 2003-02 was adopted.

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE INTERIM CITY ATTORNEY TO PREPARE AND SUBMIT THE CITY'S APPLICATIONS FOR EMPLOYER IDENTIFICATION NUMBER AND TAX EXEMPTION; PROVIDING FOR AN EFFECTIVE DATE.

A Motion to adopt the proposed Resolution was made by Councilman Bratton. Seconded by Vice Mayor Campbell.

Following brief discussion, the Motion passed unanimously (7-0). Resolution 2003-03 was adopted.

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACCEPTING INITIAL START-UP FUNDS FROM MIAMI-DADE COUNTY; APPROVING INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS AND MIAMI-DADE COUNTY FOR AN ADVANCE OF FUNDS TO THE CITY, ATTACHED HERETO AS EXHIBIT "A" AUTHORIZING THE

MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gibson provided an explanation of the subject resolution. She noted that the advance would be debited by Miami-Dade County in the future.

A Motion to adopt the proposed Resolution was made by Councilwoman Watson. Seconded by Councilman Bratton. All voted in favor. Resolution 2003-04 was adopted unanimously (7-0).

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF CITY ACCOUNTS WITH A QUALIFIED PUBLIC DEPOSITORY; PROVIDING FOR DEPOSIT OF FUNDS; PROVIDING FOR NECESSARY SIGNATORIES ON SUCH ACCOUNTS; PROVIDING NOTICE TO THE STATE TREASURER; PROVIDING FOR A WAIVIER OF COMPETITIVE BIDDING REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE.

A Motion to adopt the proposed Resolution was made by Vice Mayor Campbell. Seconded by Councilman Bratton.

Councilman Braynon asked the purpose of waiving competitive bid procedures.

Mayor Gibson explained that the City must have a bank account in order to expend the initial start-up funds being providing by Miami-Dade County. She noted that competitive bidding could be performed in the future if the Council desires.

Pursuant to Councilwoman Pritchett's request, the signatories on the account were defined, and it was noted that the Charter requires that the Mayor and a Council person must sign on each check.

All voted in favor of the previous motion. Resolution 2003-05 was adopted unanimously (7-0).

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND/OR HIS/HER DESIGNEE, AND THE INTERIM CITY ATTORNEY TO NEGOTIATE THE PURCHASE OF INSURANCE COVERAGE FOR THE CITY'S ELECTED OFFICIALS, OFFICERS, AND OFFICE FACILITIES; PROVIDING FOR DETERMINATION OF IMPRACTICABILITY AS TO COMPETITIVE BIDDING FOR SUCH INSURANCE SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Ottinot emphasized the importance of retaining insurance.

Mayor Gibson added that it is important for elected officials to be covered. She stated that the City can seek the services of another insurance vendor in the future.

A Motion to adopt the proposed Resolution was made by Councilwoman King. Seconded by Councilman Bratton.

Councilman Braynon asked for clarification.

Attorney Ottinot noted that the resolution allows permission for negotiations to begin with the Florida League of Cities. He advised that if the negotiations are successful, the item would return for ratification.

All voted in favor of the previous motion. Resolution 2003-06 was adopted unanimously (7-0).

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR, AND/OR HIS/HER DESIGNEE, AND THE INTERIM CITY ATTORNEY TO SOLICIT PROPOSALS FOR TEMPORARY OFFICE SPACE AND TO NEGOTIATE A LEASE AGREEMENT FOR TEMPORARY OFFICE SPACE PROVIDED THAT THE LEASE AGREEMENT IS APPROVED BY THE CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

A Motion to adopt the proposed Resolution was made by Councilman Pritchett. Seconded by Councilwoman King.

Following discussion, the Acting Clerk read correspondence from Ross Properties into the record.

Mayor Gibson noted that more permanent space would be sought in the future.

Councilwoman Pritchett asked if night meetings would be held at the temporary office space.

Mayor Gibson noted that the Council would continue having meetings at the local schools until more permanent facilities are found. She noted that any lease for office space would require formal approval by Council.

All voted in favor of the previous motion. Resolution 2003-07 was adopted unanimously (7-0).

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING MAYOR AND/OR HIS/HER DESIGNEE, TO HIRE A TEMPORARY SECRETARY FOR THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

A Motion to adopt the proposed Resolution was made by Councilwoman Watson. Seconded by Councilman Bratton.

Councilman Braynon asked if this individual would be a temporary employee.

Mayor Gibson confirmed the position would be one secretary on a temporary basis, who would report to the transitional Manager, the Mayor and the Council.

Councilwoman Pritchett asked for the definitive time frame of the length of the temporary status.

Mayor Gibson explained that the permanent City Manager performs all hiring function; therefore the position would be temporary until such time as a Manager is hired.

Attorney Ottinot confirmed that the individual would be an independent contractor and that the Council would review the salaries of all employees once a temporary budget was approved. He explained that the Resolution gives the Mayor authority to act as defacto City Manager until one is hired.

Following discussion, all voted in favor of the previous motion. Resolution 2003-08 was adopted unanimously (7-0).

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND/OR HIS/HER DESIGNEE TO PURCHASE NECESSARY OFFICE SUPPLIES AND EQUIPMENT FOR THE CITY COUNCIL IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000); PROVIDING FOR THE WAIVER OF COMPETITIVE BID REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE.

A Motion to adopt the proposed Resolution was made by Councilman Bratton. Seconded by Councilwoman Watson. All voted in favor. Resolution 2003-09 was adopted unanimously (7-0).

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF MIAMI GARDENS AND CWC & ASSOCIATES, INC. FOR GOVERNMENTAL CONSULTING

SERVICES DURING THE TRANSITION PHASE AS SPECIFIED IN THE ATTACHED EXHIBIT "A"; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gibson introduced Cynthia Curry and offered a brief explanation of her experience and qualifications.

A Motion to adopt the proposed Resolution was made by Councilman Bratton. Seconded by Councilwoman King.

Councilwoman Watson asked the length of the contract.

Mayor Gibson noted that the contract would terminate upon completion of the projects defined therein. Attorney Ottinot concurred.

All voted in favor of the previous Motion. Resolution 2003-10 was adopted unanimously (7-0).

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPOINTMENT OF HANS OTTINOT, ESQUIRE, AS INTERIM CITY ATTORNEY; AUTHORIZING THE MAYOR TO EXECUTE THE RETAINER AGREEMENT ATTACHED HERETO AS EXHIBIT "A"; FURTHER AUTHORIZING THE MAYOR TO CONDUCT A SEARCH FOR A CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gibson provided explanation with regard to Hans Ottinot's experience and qualifications.

A Motion to adopt the proposed Resolution was made by Councilman Bratton. The Motion failed for lack of second.

Acting Clerk Pier offered clarification regarding parliamentary procedure. Miami-Dade County Commissioner Betty Ferguson concurred and provided her input regarding the importance of a governing body having counsel. She asked Attorney Ottinot if he would be able to serve two municipalities.

Attorney Ottinot replied affirmatively, adding that he has the concurrence of the administration at Sunny Isles Beach.

Following discussion, Councilman Bratton moved to adopt the proposed Resolution. Seconded by Vice Mayor Campbell. All voted in favor. Resolution 2003-11 was adopted unanimously (7-0).

11. A RESOLUTION OF CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPOINTING MEIGHAN PIER AS ACTING CITY CLERK ON A TEMPORARY BASIS; AUTHORIZING THE MAYOR TO CONDUCT A SEARCH FOR A PERMANENT CITY CLERK; PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Pier noted that she is providing her services voluntarily.

A Motion to adopt the proposed Resolution was made by Councilwoman King. Seconded by Councilwoman Pritchett. All voted in favor. Resolution 2003-12 was adopted unanimously (7-0).

12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPOINTMENT OF WILLIAM J. GREEN AS TRANSITIONAL COORDINATOR; AUTHORIZING THE MAYOR TO EXECUTE THE CONSULTANT AGREEMENT ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

Mayor-read report

M/A-Bratton. Seconded by Campbell.

Braynon-transitional team-lead point person.

Mayor-myself and Mr. Green

Pritchett-hold position until Manager is appointed.

Mayor-yes.

Pritchett-when does Green begin.

Hans-resolution effective immediately.

Green-available August 1st.

All in favor (7-0).

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPOINTMENT OF LILIE Q. ODOM AS ADMINISTRATIVE COORDINATOR FOR THE OFFICE OF THE MAYOR; AUTHORIZING THE MAYOR TO EXECUTE THE CONSULTANT AGREEMENT ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

Mayor-read report - \$4,200 per month

M/A – Bratton. Seconded by King.

Pritchett-reasonable expenses.

Mayor-expenses incurred in the performance of her duties – would return to Council for approval.

All in favor (7-0).

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND/OR HIS/HER DESIGNEE TO SOLICIT PROPOSALS FROM RECRUITMENT FIRMS TO

CONDUCT A NATIONAL SEARCH FOR A CITY MANAGER;
PROVIDING FOR AN EFFECTIVE DATE.

Mayor-read report.

M/A-Pritchett-Seconded by Braynon.

All in favor (7-0).

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA ESTABLISHING AN INITIAL SCHEDULE FOR CITY COUNCIL MEETINGS; PROVIDING FOR AN EFFECTIVE DATE.

Mayor-read report.

M/A-King. Seconded by Pritchett.

All in favor (7-0).

II. DISCUSSION ITEMS

A. SUNSHINE LAW AND ETHICS WORKSHOP (tentative 7/31/03)

Scheduled for 7:00 p.m. – at Norland – Miami-Dade County Commission of Ethics – to provide presentation.

B. ZONING HEARING WORKSHOP (tentative 8/14/03)

7:00 p.m.

C. BUDGET WORKSHOP

Mayor-need to discuss this with Ms. Curry – would advise when information is provided.

VIII. PUBLIC CONCERN

Mayor-limit your comments to three minutes.

A. 17005 NW 7 Avenue – would like Agenda items

Mayor-at North Dade Library

B. Colleen King – 9415 NW 25 Street – on behalf of mother-need Agenda items in advance

C. Robert Parrish – 1421 NW 179 Street-Black History comment – need to attract tourists.

D. Abraham Thomas 17320 NW 17 Ave-should send correspondence to all candidates.

E. Marsha Hillman Harris-3143 NW 213 Street – concerned – public info/notice should be prominent; State retirement system.

Mayor-suggestion box is provided

- F. Janice Copley – 19681 NW 33 Avenue-parking at high school is difficult, should roll call vote.
- G. Raymond Christy – 1720 NW 171 Terrace-contract language should be clarified; some matters should be read; need contact for Council Members.
- H. Skye Williams – Citibank Asst Vice Pres-congratulations-interested in bidding banking services.
- I. Lenny Gwin-19675 NW 32 Court-congratulations-focus on hiring from within City; middle area of City for city Hall.

Mayor-City Hall – would like to be central, but must consider space needs, rather than focusing solely on location.

- J. Michael Grubs – 17665 NW 22 Avenue-damage of roads for water line construction; contact info for council members important; traffic concerns near Joe Robbie Stadium.

VIII. ADJOURNMENT

M/A – Pritchett – Second by Campbell - Adjourn at 9:40 p.m.

Prepared and submitted by:

Meighan J. Pier, Acting Village Clerk


*Adopted by the City Council on
this ____ day of August, 2003.*

Shirley Gibson, Mayor

CERTIFICATION

**I, Ronetta Taylor, City Clerk for the City of Miami Gardens, Florida do hereby
Certify that this is a true and correct copy of the City of Miami Gardens Council Minutes,
dated July 24, 2003, on file in the City Clerk's Office.**

Witnessed my hand and seal this 14th day of November, 2003


**Ronetta Taylor, CMC
City Clerk**



CITY OF MIAMI GARDENS Transition Status Report

ACTIVITY	EXPECTED DATE OF COMPLETION	STATUS	COMMENTS
Budget Workshop	9/08/03	Completed	
Budget Workshop	10/16/03	Completed	Regarding FY 02-03 deficit and FY 03-04 projected revenue shortfalls and reduced expenditures
Charter/Rules of Procedure Workshop	8/27/03	Completed	
City Seal/Logo	Report on Council Agenda 9/24; community input session scheduled for 9/29; Recommendation to Council on 10/22/03	Council requested further development of logo/seal designs	*Above seal is generic – Direction from Council
City Zip Codes	ASAP	Discussions complete with US Postal rep from the Address Management Office; issue resolved	
City Web Page	8/31/03	Domain name acquired; email addresses identified; website fully functional	
Communications Services Tax (Add-on)	Emergency Ordinance adopted on 8/27/03; Re-adoption of ordinance needed prior to Feb. 04	Ordinance presented for re-adoption; second reading on 11/19/03	Submitted to DOR
Communication Services Tax	Adopted - 8/20/03	Completed	Submitted to DOR
Conduct Sunshine Law and Ethics Workshop	7/31/03	Completed	
		I	I

Creation of Local Planning Agency	On Agenda for first reading 10/22/03; Second reading scheduled for 11/5/03		
Development and approval of FY 2003-04 Budget	Adopted - 9/24/03	Monthly monitoring required; Budget revision required at end of first quarter to incorporate set projections	
Development and approval of Transition Budget	Adopted on 9/10/03		First Reading held on 8/20/03
Development of Council Agenda Retrieval Sites	08/20/03	Approved	Delivery executed at previously identified sites
Development of Ad Policy	08/20/03	Approved on 8/20; as of 10/22, policy requires further review and refinement	Distinctions should be made between which meetings should be posted versus advertised in the print media
Establishment of Accounts at Public Depository, "Notice to the State Treasurer"	Account established	Completed Bank Name: Wachovia	
Filing of State Revenue Sharing Application FY2003-04	Submitted on 07/24/03	Approved by the Florida Department of Revenue	
Government/Lobbyist	10/22/03	Council rejected all proposals due to budget constraints	
Identification of space for permanent City Hall	Presentations from Ross Properties and Golden Glades at Council Meeting of 11/19/03	RFP released; responses received and under review; recommendation to Council on 10/22/03; Process under review by Interim City Attorney	
Insurance coverage for Elected Officials (Errors and Omissions – General Liability)	Approved 07/24/03 and 9/24/03	Binder received	
Interlocal Agreement – Master	On Hold	On Hold; Under review by Interim City Attorney	Charter allows 180 days from swearing in of officials to execute agreement
Interlocal Agreement – Police Agreement	On Hold	On Hold; Under review by Interim City Attorney	Charter allows 180 days from swearing in of officials to execute agreement
Interlocal Agreement – Specialized Police Services	On Hold	On Hold; Under review by Interim City Attorney	Charter allows 180 days from swearing in of officials to execute agreement

Rules of Procedures	Adopted 9/24/03		
RFP for Park and Recreation Services	Draft RFP prepared by Interim City Manager; Staff instructed to change to RFQ and conduct a workshop to further refine document prior to release	Forwarded to Interim City Attorney on 10/29 for review and refinement	
Search for City Attorney	11/30/03	Process on hold	
Search for City Clerk	Clerk Selected Official Start Date 9/29/03		
Search for City Manager	11/19/03	Executive Search Firm engaged; Work in Progress; meetings re pool of candidates scheduled for 10/21, 7pm, and 10/25, 10am	
Street Signage (State Dept. of Transportation)	ASAP	Signs are being installed at SR 826 and on SR9 (within 6-8 weeks)	
Tax Exemption and Identification Number	07/24/03	Completed	
Utility Tax Utilization	Adopted 08/20/03		
Zoning Workshop I	08/14/03	Completed	
Zoning Workshop II	9/23/03	Completed	Mock Zoning Hearing
Zoning Ordinance	Adopted - 9/24/03		

11/19/03



MEMORANDUM

To: The Honorable Mayor and
Members of the City Council

Date: October 20, 2003

From: Ronetta Taylor, CMC *RT*
City Clerk

Subject: Overview of City Clerk
Responsibilities

The purpose of this memorandum is to provide you with an overview of the responsibilities and duties of the City Clerk's office. From previous experience, I have found that it is important that the elected officials, the general public and in some instances the administration understand the vital role of the City Clerk.

From a historical perspective the term "Clerk" has been around since ancient times. It comes from the early middle ages when churches regulated many local government matters and only clergymen were educated and could write; the idea of a clerk as a writer, keeper of records and local official comes from this history. The first settlers in America soon created the office of parish or town clerk, and the post continues today as an essential position in municipal government. Every City and town in the nation, regardless of size or form of government, has a clerk or equivalent position.

As the City Clerk for the City of Miami Gardens, I am committed to:

1. Upholding a constitutional government, and the laws of this community;
2. Conducting my public and private life as to be an example to my fellow citizens;
3. Upholding those standards of quality and integrity that the conduct of the affairs of my office are above reproach;
4. Being mindful of neutrality and impartiality by rendering service to all;
5. Recording what is true and preserve that which is entrusted to me as if it were my own;
6. Striving constantly to improve the administration of the affairs of my office consistent with applicable law; and
7. Working closely with the City Council, City Manager, City Attorney, administration and citizens for the betterment of the City of Miami Gardens.

The Florida Statutes are essential tools for municipal clerks because they prescribe the basic functions and duties of City Clerks in general law that pertains to cities. The Charter or "home rule" customarily outlines these and other duties. The City Clerk also performs such additional duties as may be prescribed by City ordinances, or by direction of the City Council.

Statutory duties as (Secretary to the Council)

1. Record official minutes of the council;
2. Handle Municipal correspondence, both incoming and outgoing, as directed or as requested by council;
3. Prepare meeting agendas (this is currently being done by the City Manager's Office);
4. Process, record, file and advertise ordinances, resolutions and notices;
5. Process, record, file and advertise bids for municipal equipment and supplies;
6. Advertise, record and file the municipal budget;
7. Perform liaison work between the public and the council as may be directed.
8. Administer and record oaths of office; and
9. Prepare and maintain custody of all official city records and files;

Statutory duties as (Secretary of the Municipal Corporation)

1. Maintain custody of the municipal seal;
2. Sign official documents;
3. Maintain receipt of service of legal documents (lawsuits, complaints, etc.); and
4. Maintain the City Code;

Statutory duties as (Election Official/Supervisor of Elections)

1. Certify vacancies existing at the City Council level;
2. Maintain receipt of any and all petitions, initiative or otherwise;
3. Exercise quasi-judicial authority in determining the validity of a petition according to the city code or state statutes (Miami-Dade County Division of Election assists with this function);
4. Provide layout of local ballot for all elections;
5. Furnish material for local elections (qualifying packet & election information;
6. Select polling places (Miami-Dade County Division of Election assists with this function);
7. Maintain receipt of election results; and
8. Issue payment for polling places and poll workers;

General duties includes:

1. Provide Notary Service;
2. Furnish data to public information media;
3. Receive and file bonds and insurance policies related to municipality-issued contracts;
4. Direct complaints, correspondence and inquiries for action to the various municipal departments;
5. Prepare and maintain records index system, oversee records management, retention and destruction in accordance with state regulations;

6. Conduct business with other city, county, state and federal agencies as directed by the governing body;
7. Coordinate voter's registration activities with Miami-Dade County and state election officials;
8. Provide notification to municipal departments of expiration dates on various matters;
9. Maintain and update city code;
10. Attest to official contracts and document; and
11. Conduct city elections.

Additionally, it is essential that the Clerk be as effective as possible in ensuring that proper laws and procedures are followed. In order to accomplish this the Clerk must keep abreast of changes in legislation, and office technology. New statutes on public ethics, financial disclosure and election laws must be closely monitored. This is done through memberships in the various Municipal Clerks' associations, consulting with colleagues, attending the Clerk's conferences offered by the Florida Association of City Clerks and the International Institute for Municipal Clerks, and reading books and periodicals.

I hope that this overview has provided you with a better understanding of the responsibilities and duties of the City Clerk's office. If there are any issues you'd like to discuss please feel free to contact me.